

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Case No. 10-20388-1  
Honorable Linda V. Parker

LAMONTE WATSON,

Defendant.

/

**OPINION AND ORDER (1) GRANTING MOTION FOR WITHDRAWAL  
OF COUNSEL [ECF NO. 899]; (2) APPOINTING SUBSTITUTE  
COUNSEL; AND (3) EXTENDING TIME FOR THE GOVERNMENT TO  
FILE A SUPPLEMENTAL ANSWER**

On June 29, 2012, Defendant was convicted of several counts for drug-related offenses and one count of felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). (ECF No. 553.) The Honorable Mark A. Goldsmith subsequently sentenced Defendant to three life sentences and 30 years imprisonment, to run concurrently to each other. (*Id.*) The matter was reassigned to the undersigned on June 22, 2015.

On July 10, 2020, Defendant filed a “Motion to Reduce Sentence Pursuant to Section 401(a) of the First Step Act.” (ECF No. 851.) He subsequently filed a motion seeking the appointment of counsel (ECF No. 858), which the Court granted on March 5, 2021. (ECF No. 881). Attorney Richard D. Korn was

appointed to represent Defendant on March 15, 2021. (*See* ECF No. 885.) On April 2, 2021, Mr. Korn filed a Notice of Defendant's Intent to File Supplemental Brief to the Motion to Reduce Sentence. (ECF No. 888.) The Court ordered counsel to file the supplemental brief within 14 days but subsequently signed several stipulated orders extending that deadline. (ECF Nos. 889, 894, 896.) The last deadline provided was August 2, 2021; however, nothing was received. Instead, on July 28, counsel filed a motion to withdraw pursuant to Eastern District of Michigan Local Criminal Rule 57.1(b). (ECF No. 899.)

In the motion, counsel represents that he was involved in a serious bicycle accident on June 12, 2021, and that he is unable to represent Defendant due to related ongoing medical issues. (*Id.* at Pg ID 13347.) Counsel also represents that he spoke with Defendant by telephone on July 27, 2021, advised Defendant of the situation and sought concurrence in his withdrawal. (*Id.* at Pg ID 13348.) Counsel states "Defendant stated that he understood and concurred in the motion." (*Id.*) On same date, defense counsel corresponded with the Government and was advised that the Government had no objection. (*Id.*) The Government has not responded to counsel's motion. Counsel sent a copy of the motion via mail to Defendant on July 28, 2021. (*Id.*)

Rule 57.1 states:

- (a) An attorney, whether retained or appointed, who enters a post-indictment appearance shall continue to represent the

defendant until the case is dismissed, the defendant is acquitted, or the direct appeal is completed unless the attorney is granted leave to withdraw by the District Court or the Court of Appeals if notice of appeal has been filed.

(b) An attorney who has appeared in a criminal case may thereafter withdraw only by written motion served upon the defendant personally or at the defendant's last-known address and upon all other parties. The Court may deny a motion to withdraw if the attorney's withdrawal would unduly delay trial of the case, or be unfairly prejudicial to any party, or otherwise not be in the interest of justice.

E.D. Mich. L. Cr. R. 57.1. The Court finds that the motion to withdraw is in the interest of justice. Therefore, the Court is granting Mr. Korn's motion to withdraw.

Accordingly,

**IT IS ORDERED** that the motion to withdraw (ECF No. 899) is **GRANTED**.  
**IT IS FURTHER ORDERED** that the Federal Defender Office shall appoint a substitute attorney from the Criminal Justice Act Panel for the purpose of representing Defendant and filing a supplemental brief on his behalf.

**IT IS SO ORDERED.**

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: October 17, 2021